

Committee Room,

Austin, Texas, April 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 449, A bill to be entitled "An Act to amend Subsection 62, Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925 revision; and to rearrange, and recreate the 62nd Judicial District of Texas, to rearrange, change and prescribe the terms of holding District Court in the 62nd Judicial District, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,

Austin, Texas, April 7, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 216, A bill to be entitled "An Act to amend Articles 2503, 2504, and 2507, Title 46, Revised Civil Statutes of Texas, 1925, having relation to the capital structure and interest charges of mutual loan corporations; providing the Act shall be applicable to all existing corporations as well as any hereafter organized under said statutes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ISELL, Chairman.

Committee Room,

Austin, Texas, April 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 54 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

FIFTY-SIXTH DAY.

(Monday, April 12, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

The following Senator was absent and excused:

Weinert.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Friday, April 9, 1937, was dispensed with, on motion of Senator Roberts.

Leave of Absence Granted.

Senator Weinert. was granted leave of absence for today, on account of illness, on motion of Senator Small.

Reports of Standing Committees.

Reports on Senate Bills Nos. 361, 310, 138 and 140, on House Bills Nos. 1029, 876, 91 and 1004, and on S. J. R. No. 16 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

House Bill No. 158 on Passage to Third Reading.

The President laid before the Senate, as the unfinished special order, on its passage to third reading:

H. B. No. 158, A bill to be entitled "An Act granting and donating to

each respective county of this State for a period of five years beginning with the taxable year 1927, all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the county treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by county treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

With motion by Senator Oneal to table the bill subject to call and with amendment by Senator Small pending.

Question first recurring on the motion to table subject to call, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16.

Aikin.	Newton.
Beck.	Oneal.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Small.
Isbell.	Spears.
Lemens.	Stone.
Nelson.	Sulak.

Nays—10.

Brownlee.	Neal.
Burns.	Pace.
Hill.	Rawlings.
Holbrook.	Van Zandt.
Moore.	Winfield.

Absent.

Collie.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Weinert.

House Bill No. 511 Set as Special Order.

Senator Oneal moved that the regular order of business be suspended, to take up H. B. No. 511 and have it placed on its second reading and passage to third reading at this time.

Senator Rawlings moved as a substitute, that H. B. No. 511 be set as a special order for next Wednesday, April 14, 1937, immediately after conclusion of item (5) of the morning call on that day.

Question first recurring on the substitute, yeas and nays were demanded.

The substitute prevailed by the following vote:

Yeas—18.

Brownlee.	Rawlings.
Burns.	Roberts.
Cotten.	Shivers.
Head.	Small.
Holbrook.	Spears.
Moore.	Stone.
Neal.	Sulak.
Oneal.	Van Zandt.
Pace.	Winfield.

Nays—8.

Aikin.	Hill.
Beck.	Isbell.
Collie.	Lemens.
Davis.	Nelson.

Absent.

Newton.	Westerfeld.
Redditt.	Woodruff.

Absent—Excused.

Weinert.

Question then recurring on the motion as substituted, it prevailed by the following vote:

Yeas—20.

Beck.	Moore.
Brownlee.	Neal.
Cotten.	Oneal.
Holbrook.	Pace.
Isbell.	Rawlings.

Redditt.	Stone.
Roberts.	Sulak.
Shivers.	Van Zandt.
Small.	Weinert.
Spears.	Winfield.

Nays—8.

Aikin.	Hill.
Collie.	Lemens.
Davis.	Nelson.
Head.	Newton.

Absent.

Burns.	Woodruff.
Westerfeld.	

House Bills on First Reading.

The following bills received from the House today were laid before the Senate, read first time and referred to the appropriate committees, as indicated:

H. B. No. 4, to Committee on State Affairs.

H. B. No. 48, to Committee on Finance.

H. B. No. 726, to Committee on State Affairs.

H. B. No. 397, to Committee on Finance.

Report of Conference Committee on Senate Concurrent Resolution No. 1.

Senator Rawlings submitted the following report of the Conference Committee on S. C. R. No. 1:

Austin, Texas, April 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee appointed to adjust the differences between the two Houses on S. C. R. No. 1, have had the same under consideration, and we recommend to the Senate and to the House of Representatives that said resolution be adopted in the form hereto attached.

Respectfully,

RAWLINGS,
WEINERT,
MOORE,
WOODRUFF,
NELSON,

On the part of the Senate.

PETSCH,
SMITH of Hopkins,
BELL,
POPE,
METCALFE,

On the part of the House.

JOINT RULES OF THE TWO HOUSES.**Disagreements Between the Two Houses.**

1. In case of a disagreement between the two houses on a bill, resolution, or other matter, if a request is made for a conference by one house and a committee is appointed for that purpose, and the other house grants the request and appoints a committee to confer, such committee shall, at a convenient hour to be agreed upon by their chairmen, meet in conference and state to each other verbally or in writing as either shall choose, the positions of their respective houses in regard to the matters in disagreement and confer freely thereon.

2. After either house shall have adhered to its disagreement, a bill, resolution, or other matter shall be lost.

3. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof is to be given to the house in which the same may have passed.

Communications Between the Two Houses.

4. When a message is sent from the Senate to the House of Representatives, it shall be announced at the door of of House by the Door-keeper, and shall be respectfully communicated to the Chair by the person delivering same.

The same ceremony shall be observed when a message is sent from the House of Representatives to the Senate.

5. All messages between the houses relating to the passage or rejection of any bill, resolution or other matter shall be on paper and properly address to the presiding officer of the house to which the message is sent, and shall be under the signature of the Secretary of the Senate or the Chief Clerk of the House, as the case may be. All such

messages shall be printed in full in the Journal of the house receiving same.

6. In the transmission of a bill or resolution from one house to the other, such bill or resolution shall be accompanied by all papers upon which such bill or resolution is founded.

Consideration of Bills in the Respective Houses and the Final Passage Thereof.

7. When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate, and which is substantially the same as said Senate bill, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

8. When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, and which is substantially the same as said House bill, or to lay such Senate bill before the House to be considered in lieu of such House bill.

9. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature. (Constitution, Article III, Section 37.) No vote shall be taken upon the passage of any bill within the last twenty-four hours of the session, unless it be to correct an error therein.

10. In reckoning the time within which a bill has been introduced, the date of its first introduction in either house shall govern.

Enrolling and Signing of Bills and Resolutions and Their Presentation to the Governor.

11. After a bill shall have passed both houses, it shall be duly enrolled on paper, with all proper endorse-

ments, by the Enrolling Clerk of the House of Representatives or of the Senate, as the bill may have originated in the one or the other house, and properly signed by the presiding officer of each house as required by the Constitution before it shall be presented to the Governor.

12. When bills are enrolled, they may be examined by a joint committee of three members from the Senate and three members from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the bills as passed in the houses, and carefully correct any errors that may be discovered in the enrolled bills, and make their report forthwith to the respective houses. Said report shall be accompanied by a copy of said bill as a part of said report, which said copy may be typewritten or printed, partly written and printed, or written and partly printed, and, unless it is a local bill, it shall be printed in the Journal of the House or Senate to which said report is made.

13. After examination and report, each bill shall be signed in the respective houses, first by the presiding officer of the house in which it originates, then by the presiding officer of the other house, in accordance with Article III, Section 38, of the Constitution.

After a bill shall have been signed in each house, it shall be presented to the Governor for his approbation by the Enrolling Committee of the house in which it originated. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

14. All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

Elections by Joint Vote of the Two Houses.

15. In all elections by a joint vote of the two houses of the Legislature, the Senate, upon invitation, will

meet the House in its Hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats in front of the Speaker's desk. The Speaker of the House will preside. The names of the Senators shall then be alphabetically called, after which the names of the Representatives shall be called in like manner, and if a quorum of both house answers to their names, the two houses will proceed with the business for which they have met. The President of the Senate shall first call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by the Secretary and their votes recorded by him. The names of the Representatives shall then be called by the Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receives a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two houses have met in joint session, the Senate shall retire to its Chamber, and the result of the joint vote shall be entered in the Journal of each house.

16. If a quorum of either house shall fail to attend a joint session, or absent themselves therefrom without the permission of such house, the members of the house so wanting a quorum shall have the right to compel the attendance of the absentees in accordance with its own rules; and, after a reasonable time, if a quorum is not obtained, the joint session may be adjourned by the vote of a majority of the members of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its members, without debate.

17. If no choice shall have been made on the first ballot or vote, at any time thereafter the joint session may be adjourned, with or without naming another day for meeting, by a vote of a majority of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its members, without debate.

Conference Committees.

18. In all conferences between the Senate and the House by committee, the number of committeemen from each house shall be five (5), and all votes on matters of difference shall be taken by each committee separately, and it shall require a majority of each committee present concurring upon the matter in dispute to determine it. The reports of all conference committees must be signed by a majority of each committee of the conference.

Notification of Defeated Measure.

19. When a bill, joint or concurrent resolution has been defeated in the Senate or in the House (or defeated in a committee of the respective houses), the Secretary of the Senate or the Chief Clerk of the House, as the case may be, shall immediately notify the other house of the defeat of said bill or resolution and transmit a copy of the caption of such defeated bill or resolution.

House and Senate Bill Days.

20. On calendar Wednesday and Thursday only of each week, House bills on their third and second readings, respectively, shall be taken up and considered in the Senate until disposed of; and in case a House bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business, provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by two-thirds vote of the Senate to permit the continued consideration of such pending business.

21. On calendar Wednesday and Thursday only of each week, Senate bills on their third and second readings, respectively, shall be taken up and considered in the House until disposed of; and in case a Senate bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business, provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by two-thirds vote of the House to permit the continued consideration of such pending business.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 4, A bill to be entitled "An Act providing a title for the Act; providing for the imposition of a franchise tax; providing that certain corporations shall be exempt from the Act but requiring the exemption to be proven by the claimant; and repealing all existing exemptions or special credits; providing definitions for certain words, terms and phrases; providing certain deductions in computing net income; providing certain unallowable deductions; providing a method of computing the net income of insurance corporations; providing for the use of fiscal or calendar accounting periods; providing for the filing of returns by taxpayers; providing for the computation of the tax of new corporations; providing for the use of inventories in determining net income; providing a basis for ascertaining gain or loss either from sale, exchange or other disposition of property; providing procedure relative to installment sales; providing for the computation of a minimum tax; providing methods of allocating the net income and minimum tax base of a corporation; providing that Secretary of State shall have power to determine income or assets in special cases; providing for taxes when no return filed; providing for liability of receivers, liquidators, referees, trustees or other fiduciaries; providing for a tax lien; providing for penalties for failure to file return or failure to pay tax or the making of false returns; providing for suspension of right to do business where tax not paid; providing for revival of right to do business; providing for assessment of deficiency tax; providing for hearing by Secretary of State and appeal to State Tax Board; providing that Attorney General shall sit as member of State Tax Board on appeals from Secretary of

State; providing for examination by Secretary of State; providing for administration of Act by Secretary of State and appointment of Franchise Tax Commissioner; providing an appropriation of Ninety Thousand (\$90,000) Dollars; providing for computation for first year under this Act and providing first tax to be due May 1, 1937; providing for the repeal of all laws and parts of laws in conflict with this Act, and especially Chapter 3 of Title 122 of Revised Statutes of 1925, as amended; providing that the provisions of the Act are severable, and declaring an emergency, etc."

H. B. No. 48, A bill to be entitled "An Act creating a system of Old Age Assistance in Texas, placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission; prescribing their terms of office, qualifications and duties; fixing their salaries; providing for the appointment of an Executive Director to the Old Age Assistance Commission and a Chief Auditor; prescribing qualifications, duties and salaries of such Executive Director and Chief Auditor; providing for applications by those entitled to old age assistance and the hearing of same by the county judge of the county wherein the applicant resides; and providing for the selection and appointment of necessary personnel; providing for the filing of an application for assistance by the applicants therefor and the necessary information required; providing for the investigation of such applications and the order thereon, for appeal to the Commission and courts and hearings therein; providing for the amount of assistance to be paid to applicants and the method of paying same; providing for discontinuance of grants of assistance; fixing penalties for the violation of this Act; creating an Old Age Assistance Fund; appropriating from the Old Age Assistance Fund the sum of Fifteen Million Dollars (\$15,000,000) or so much thereof as may be necessary for the payment of assistance grants, and providing for expenses in connection with the administration of this Act; providing for gifts and assignments of money, insurance benefits or other property for the benefit of the Old

Age Assistance Fund; providing that grants of old age assistance shall be inalienable and not subject to civil process; making provision for recovery, if on the death of a recipient he had property in excess of the amount allowed by this Act; providing for cooperation between the Texas Old Age Assistance Commission and the Federal Social Security Board; providing for attorney fees and penalties for excessive charges; defining a needy person; providing for funeral expenses of a deceased recipient; providing for the protection of those incapable of taking care of themselves; providing for reports annually by the Commission and the publication of a handbook; providing for the transfer of the administration of old age assistance from the Board of Control to the Old Age Assistance Commission under this Act, and also the transfer of funds; expressly repealing Article I and Article II, of H. B. No. 8 of the Third Called Session of the Forty-fourth Legislature; and amending Sections 4 and 8 of Article IV of H. B. No. 8 providing for taxes on crude oil and natural gas to secure funds for the Old Age Assistance Fund; providing a saving clause, and declaring an emergency."

H. B. No. 397, A bill to be entitled "An Act to provide for the purchase of a site and for the establishment, location, and construction of a hospital for the white mentally ill, naming the same, and providing for the care, treatment and support of white mentally ill persons; to make an appropriation therefor, and declaring an emergency."

H. B. No. 726, A bill to be entitled "An Act (1 and 2) to create and establish San Antonio River Canal and Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a Governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act; (3) designating the area to be embraced in the District and making provision for excluding lands from, or adding lands to, the area of the district and prescribing the manner for so doing; etc., and providing a day upon which this Act is to be effective."

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 74. The following are conferees on the part of the House:

Messrs. Celaya, Thornton, McKee, James and England.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 41, "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the Board of Water Engineers' Department for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

S. B. No. 301, "An Act to amend Article 6686, Revised Civil Statutes of 1925, as amended by Chapter 211, Acts of the Regular Session of the Fortieth Legislature, and declaring an emergency."

S. B. No. 365, "An Act appropriating the sum of \$150,000.00 to the Texas State Employment Service for the purpose of maintaining public employment offices provided for under Acts 1935, Forty-fourth Legislature, Regular Session, Chapter 235, page 552, and as amended by Acts Third Called Session Forty-fourth Legislature, Chapter 482, Section 12, for the balance of the fiscal year ending August 31, 1937; and declaring an emergency."

H. B. No. 150, "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease for oil and/or gas and/or sulphur and/or other mineral development all lands under its control; authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to invest funds accruing from the lease or sale of oil and/or gas and/or sulphur and/or other minerals; prescribing the mode and manner of said oil and/or gas and/or sulphur and/or other mineral leases on said land; providing for setting up any funds

accruing as a permanent fund and appropriating the income therefrom; providing certain restrictions therein; making an appropriation to defray the expenses of said Board in executing the provisions of this Act, and declaring an emergency."

H. B. No. 605, "An Act to amend Article 1813, Revised Civil Statutes of Texas, 1925, so as to add thereto a provision for the appointment of a special commissioner to serve with and assist a court of civil appeals where a member thereof shall be totally disabled by illness, physical or mental; providing for the appointment of such special commissioner by the Governor under certain defined circumstances; defining the duties, compensation, and term of office of such special commissioner; providing that if any part of this Act is held unconstitutional, the valid portion of the same was intended to be enacted, and providing for an emergency."

House Bill No. 158 on Passage to Third Reading.

Senator Oneal called up H. B. No. 158 from the President's table, for further consideration at this time.

The President laid the bill before the Senate, on its passage to third reading; with the following amendment by Senator Small pending:

Amend the bill by inserting a new Section to read as follows:

"Sec. — This Act shall become effective if and when the Constitutional amendment proposed by S. J. R. No. 5, Acts of the Forty-fifth Legislature, is adopted by vote of the people of the State of Texas, and unless said Constitutional amendment is duly and legally adopted, this Act shall be null, void and of no force or effect."

Question—Shall the amendment be adopted?

Senator Small moved that H. B. No. 158 be tabled subject to call.

(Senator Davis in the Chair.)

Question—Shall the motion to table subject to call prevail?

(President in the Chair.)

Senate Resolution No. 65.

Senator Small, by unanimous consent, offered the following resolution:

Whereas, Lieutenant Governor Edgar E. Witt is within the Capitol; now, therefore, be it

Resolved, That he be invited to address the Senate and that he be granted the privileges of the floor.

The resolution was read, and by unanimous consent of the Senate, was adopted at this time.

Accordingly, the President appointed Senators Small, Stone and Rawlings to escort Governor Witt to the President's stand.

The President presented Governor Witt, who addressed the Senate briefly.

Senate Resolution No. 66.

Senator Woodruff, by unanimous consent, offered the following resolution:

Whereas, The North Texas State Teachers College at Denton, Texas, is established for the purpose of teacher training in Texas and is distinguished among the teacher training institutions of the nation in scholarship, and public service; and

Whereas, Through the cooperation of the State of Texas and the PWA of the United States of America, buildings have been erected on the campus of said institution for the greater efficiency of its service to all of the State of Texas, which buildings are to be dedicated and the establishment of teacher training in Texas to be commemorated on April 21, 1937, A. D. in the auditorium of said college at Denton, Texas; and

Whereas, It is fitting and proper that the Senate of the State of Texas should be represented on said occasion; therefore, be it

Resolved, That the President of the Senate be directed to appoint a committee of five members of the Senate, who shall be excused from attendance upon the Sessions of the Senate on said April 21, 1937, for the purpose of attending said commemorative and dedicatory exercises on said 21st of April, 1937.

On motion of Senator Woodruff and by unanimous consent, a full reading of the resolution was dispensed with and it was adopted at this time.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 12, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 49, A bill to be entitled "An Act amending Article 2620 of the Revised Civil Statutes of 1925 changing the name of The North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to The North Texas Agricultural, Mechanical and Industrial College at Arlington, and amending Article 2621 of the Revised Civil Statutes of 1925, providing a four-year course of study for said college, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

**Free Conference Committee on
House Bill No. 130.**

Senator Stone moved that the request of the House for a free conference committee on H. B. No. 130 be granted.

The motion prevailed.

**Substitute Appropriation Bills
Ordered Printed.**

Senator Moore, by unanimous consent, at this time, moved that the committee substitutes for the general appropriation bills be printed in advance of the submission of reports on the bills by the chairman of the Committee on Finance.

The motion prevailed.

**House Bill No. 158 on Passage to
Third Reading.**

The Senate resumed consideration of pending business, same being H. B. No. 158, relating to remission of ad valorem taxes to counties, on its passage to third reading; with amendment by Senator Small and with motion by Senator Small to table the bill and pending amendment subject to call, pending.

Question then first recurring on the motion to table subject to call, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15.

Beck.	Roberts.
Head.	Shivers.
Hill.	Small.
Isbell.	Spears.
Nelson.	Sulak.
Oneal.	Van Zandt.
Pace.	Woodruff.
Redditt.	

Nays—13.

Aikin.	Moore.
Brownlee.	Newton.
Burns.	Rawlings.
Collie.	Weinert.
Cotten.	Westerfeld.
Holbrook.	Winfield.
Lemens.	

Absent.

Davis.	Stone.
Neal.	

Senate Resolution No. 62.

Senator Hill moved to suspend the regular order of business to take up from the President's table for consideration at this time the following resolution:

S. R. No. 62, Relating to the holding of afternoon and night sessions by the Senate.

Question—Shall the motion to suspend prevail?

**Senate Bill No. 466 on First
Reading.**

Senator Westerfeld, by unanimous consent, moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin.	Davis.
Beck.	Head.
Brownlee.	Hill.
Burns.	Holbrook.
Collie.	Isbell.
Cotten.	Lemens.

Moore.	Small.
Neal.	Spears.
Nelson.	Stone.
Newton.	Sulak.
Oneal.	Van Zandt.
Pace.	Weinert.
Rawlings.	Westerfeld.
Redditt.	Winfield.
Roberts.	Woodruff.
Shivers.	

The following Senate bill was then introduced, read first time, and referred by the President to the Committee on Mining, Irrigation and Drainage.

By Senator Westerfeld:

S. B. No. 466, A bill to be entitled "An Act to authorize the exclusion of certain territory from any fresh water supply district before the issuance of bonds and levy of taxes for said district, such territory shall be to the extent of at least ten (10) acres, and contiguous and adjoining the lines of such district; prescribing the method of procedure whereby such territory may be excluded; providing that an election may be held to approve the exclusion of such territory, in event petition therefor is presented by ten (10), or a majority, of the qualified voters, who own land in the district; providing that exclusion of such territory will result in cancellation of any unsold bonds of the district; providing that territory not embraced in a fresh water supply district may be annexed to such a district, and prescribing the method of procedure therefor; providing that the added territory shall bear its pro rata part of all indebtedness or taxes of the district to which it is annexed, pursuant to an election held throughout the enlarged district for that purpose; prescribing the method of holding elections authorized by this Act; providing that if any part of this Act be held unconstitutional, such decision shall not affect the validity of the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Senate Bill No. 467 on First Reading.

Senator Oneal, by unanimous consent, moved that the rule limiting the time for introduction of certain

bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

The following Senate bill was then introduced, read first time and referred to the Committee on Educational Affairs:

By Senator Oneal:

S. B. No. 467, A bill to be entitled "An Act to amend Article 2792, Revised Civil Statutes of Texas, so as to provide that where the trustees of an independent school district have the county assessor and collector of taxes assess and collect the taxes for said district, the property of such district may be assessed at a greater value than the property is assessed for county and state purposes; provided, that such property may not be assessed at a greater valuation than its fair market value, or if it has no market value, than its intrinsic value, and declaring an emergency."

Recess.

Senator Collie moved that the Senate recess to 2:30 o'clock p. m., today.

Senator Shivers moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—14.

Brownlee.	Roberts.
Burns.	Shivers.
Holbrook.	Small.
Moore.	Spears.
Pace.	Stone.
Rawlings.	Weinert.
Redditt.	Winfield.

Nays—17.

Aikin.	Neal.
Beck.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Davis.	Sulak.
Head.	Van Zandt.
Hill.	Westerfeld.
Isbell.	Woodruff.
Lemens.	

Senator Cotten moved that the Senate recess to 4:00 o'clock p. m., today.

Question then first recurring on the motion of Senator Cotten, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—9.

Aikin.	Small.
Brownlee.	Van Zandt.
Cotten.	Winfield.
Head.	Woodruff.
Rawlings.	

Nays—22.

Beck.	Newton.
Burns.	Oneal.
Collie.	Pace.
Davis.	Redditt.
Hill.	Roberts.
Holbrook.	Shivers.
Isbell.	Spears.
Lemens.	Stone.
Moore.	Sulak.
Neal.	Weinert.
Nelson.	Westerfeld.

The motion of Senator Collie prevailed, and the Senate accordingly, at 12:20 o'clock p. m., took recess to 2:30 o'clock p. m., today.

Afternoon Session.

The Senate met at 2:30 o'clock p. m., and was called to order by Senator Small.

Senate Resolution No. 62.

The Senate resumed consideration of pending business, same being the

motion of Senator Hill to suspend the regular order of business to take up for consideration at this time.:

S. R. No. 62, Relating to holding of afternoon and night session by the Senate.

Senator Hill raised the point: that there was not a quorum present.

The Presiding Officer directed the Secretary to call the roll of the Senate to ascertain whether there was a quorum present.

The calling of the roll disclosed that there was a quorum present, and it was so announced.

The motion to suspend was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14.

Aikin.	Lemens.
Collie.	Neal.
Cotten.	Newton.
Davis.	Oneal.
Head.	Roberts.
Hill.	Spears.
Isbell.	Westerfeld.

Nays—11.

Brownlee.	Shivers.
Holbrook.	Small.
Moore.	Stone.
Pace.	Weinert.
Rawlings.	Winfield.
Redditt.	

Absent.

Beck.	Sulak.
Burns.	Van Zandt.
Nelson.	Woodruff.

Senate Joint Resolution No. 16 on Second Reading.

The Presiding Officer laid before the Senate, on its second reading and passage to engrossment:

S. J. R. No. 16, Proposing an amendment to Article III, Section 52, of the Constitution of the State of Texas by adding thereto a new section to be known as Section 52d; providing that the Legislature may authorize by law, after a majority vote of the resident qualified electors owning taxable property therein, the adoption of a plan for the construction of paved roads and bridges or both in any county or road district of the State; providing for the levy of a tax to pay for such construction;

providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation, publication, and election.

The resolution was read second time.

Senator Moore offered the following (committee) amendments to the resolution:

(1)

Amend Section 1 by striking out the word "any," immediately preceding the word "county," and substituting in lieu thereof "a."

(2)

Amend Section 1 by adding to the proposed Section 52d, the following:

"The provisions of this section shall apply only to counties having a population in excess of 190,000 inhabitants according to the 1930 Federal census; provided that the Legislature, by an affirmative vote of two-thirds of the members present and voting in both the Senate and House of Representatives, may authorize any county, having a population of less than that above specified, to proceed hereunder."

(3)

Amend the caption to S. J. R. No. 16 by adding immediately before the words "providing for the necessary proclamation," the words:

"providing that this amendment shall apply only to counties having a population in excess of 190,000 according to the 1930 Federal census; providing further that other counties may be brought under the terms hereof by the affirmative vote of two-thirds of the members present and voting in both the Senate and House of Representatives."

The (committee) amendments were adopted severally.

The resolution was passed to engrossment.

Senate Joint Resolution No. 16 on Third Reading.

Senator Moore moved that the constitutional rule requiring joint resolutions to be read on three several days be suspended and that S. J. R. No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

The Presiding Officer laid S. J. R. No. 16 before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—31.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Leave of Absence Granted.

Senator Woodruff was granted leave of absence for this afternoon, on account of important committee work on the educational appropriation bill, on motion of Senator Rawlings.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has laid on the table, by a vote of 81 yeas and 51 nays, the following bill:

H. B. No. 255, A bill to be entitled "An Act providing that the commissioners court in each county shall at the first meeting of each new court let a contract to some person, a non-resident of the county for the collection of delinquent taxes; repealing Article 7335, Revised Civil Statutes of Texas, 1925; repealing Article 7332, Revised Civil Statutes of Texas, 1925, as amended by Chapter 16, Acts of the Forty-second Legislature, Second Colled Session; prescribing the powers and duties of the person contracting with the commissioners court to represent the State in the collection of delinquent taxes and providing for a compensation; providing that in any suit brought against any individual or corporate owner all past due taxes for all previous years on such tract or tracts shall be included, and providing that where there are several lots, in the same addition or subdivision delinquent, belonging to the same owner, all said delinquent lots shall be made the subject of a single suit; providing fees for certain officers in such delinquent tax suits; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The House has passed the following bill:

H. B. No. 1076, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the support and maintenance of the Board of Pardons and Paroles of Texas, created by an amendment to the Constitution of the State of Texas adopted at the November General election, 1936, and which became effective February 1st, 1937, for the balance of the fiscal year, beginning February 1st, 1937, and ending August 31st, 1937, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Joint Resolution No. 4 on
Passage to Engrossment.

Senator Oneal called up from the President's table on its passage to engrossment (the resolution having

been read second time and tabled subject to call on March 1, 1937):

S. J. R. No. 4, Proposing an amendment to Article 5 of the Constitution of the State of Texas, by adding a new Section to be known as Section 3-a, providing how interlocutory injunctions, sustaining or restraining enforcement, operation or execution of any statute of this State or of the United States, based upon the ground of the unconstitutionality of such statute, may be issued; and providing for appeal from order issuing or refusing to issue such interlocutory injunction; and providing that temporary restraining orders in such cases may be granted under the rules and regulations prescribed by the Supreme Court; and providing for appeal to the Supreme Court of the order granting or denying such interlocutory injunction; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

The President laid the resolution before the Senate, on its passage to engrossment.

Senator Oneal offered the following amendment to the resolution:

Amend S. J. R. No. 4 by striking out the following beginning with the word "no" in line 23, page one of the printed resolution down to and including the word "for" in line 56 of the same page, and inserting in lieu thereof the following:

"No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of this State, or of the United States, by restraining the action of any officer of this State, or of the United States, in the enforcement or execution of such statute, or in the enforcement or execution of an order made by an administrative board or commission, acting under and pursuant to the statutes of this State or of the United States, shall be issued or granted by any county court of the State of Texas, or by any judge thereof, or by any district court, or any judge thereof, upon the ground of the unconstitutionality of such statute, until at least five days' notice of the hearing of the application for such interlocutory injunction has been given to the Gov-

ernor and to the Attorney General of this State, and such other persons as may be defendants in the suit; provided, that if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, the court or the judge to whom said application is made may, under rules and regulations to be prescribed by the Supreme Court of this State, grant such temporary restraining order at any time before such hearing and determination of application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice, as hereinbefore required. The hearing upon application for interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for hearing at the earliest practicable day after the expiration of the notice provided for.

Question—Shall the amendment be adopted?

On motion of Senator Oneal the resolution was tabled subject to call.

Report of Free Conference Committee on Senate Bill No. 337.

Senator Burns submitted the following report of the Free Conference Committee on S. B. No. 337:

Austin, Texas, April 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on S. B. No. 337, beg leave to report that we have considered the same and recommend that it do pass in the form and text attached hereto.

BURNS,
PACE,
MOORE,
RAWLINGS,
REDDITT,

On the part of the Senate.

THORNTON,
ALSUP,
DAVISON of Fisher,
LONDON,
LEONARD,

On the Part of the House.

S. B. No. 337.

An Act making an appropriation to pay the increase of salaries to District Judges as authorized by House Bill No. 10, Acts of the Regular Session of the Forty-fifth Legislature, and providing for method of payment of such salaries; and making appropriation to pay the deficiencies of District Judges' expense accounts, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of any moneys in the General Revenue Fund, not otherwise appropriated Sixty-eight Thousand Nine Hundred Seventy-four Dollars and eight cents (\$68,974.08) to pay the increase in salaries to District Judges, as authorized by House Bill No. 10, Acts of the Regular Session of the Forty-fifth Legislature.

Sec. 2. The appropriation herein made shall supplement the appropriation made by House Bill No. 417, Acts of the Regular Session of the Forty-fourth Legislature, for the payment of salaries of District Judges, and shall be disbursed in accordance with the provisions of said House Bill No. 417, Acts of the Regular Session of the Forty-fourth Legislature.

Sec. 3. To pay the deficiency expense accounts of District Judges as follows:

For the Year ending August 31, 1936, \$12,400.00.

For the Year ending August 31, 1937, \$12,400.00.

Sec. 4. The fact that the present Session of the Legislature provided for the increase of salaries of District Judges and did not provide an appropriation out of which such increase of salaries should be paid, and the fact that if no appropriation is made such District Judges would have a claim against the State of Texas whereby the legal effect of House Bill No. 10 would be suspended, creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Senator Collie in the Chair.)

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—31.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Senate Joint Resolution No. 5 on Engrossment.

Senator Sulak called up from the President's table, on its passage to engrossment (the resolution having been read second time on Wednesday, April 7, 1937, and having been tabled subject to call on that day):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not to exceed Fifteen Dollars (\$15) per person per month to actual bona fide residents of the State of Texas, over the age of sixty five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for Old Age Pensions and/or Assistance; levying a two per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a Special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund

shall be properted to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms, to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

The Presiding Officer laid the resolution before the Senate, on its passage to engrossment; with amendment by Senator Weinert and substitute by Senator Oneal for the amendment, pending.

Senator Oneal, by unanimous consent, withdrew the pending substitute, and Senator Weinert, by unanimous consent, withdrew the pending amendment.

Senator Sulak offered the following amendment to the resolution:

Amend S. J. R. No. 5 by striking out all of Section 1, beginning with line No. 43, and insert in lieu thereof the following:

"For the purposes of paying Old Age Pension and/or Assistance the Legislature shall levy against all persons, companies, firms, partnerships, corporations, and unincorporated companies or associations engaged in the business of retail sales of tangible personal property, or engaged in the business of conducting places of amusement of any kind and character, a sales tax not to exceed two (2%) per centum of the gross sales so made in the retail trade and of the gross receipts of such places of amusement; provided that the tax shall not be levied as to sales of motor fuel, tobacco and tobacco products, nor as to sales of agricultural products by the actual producer, nor as to sales by organizations for the benefit of charitable religious or educational purposes; provided, further, that the tax as to gross receipts of all places of amusement shall not be levied as to the gross receipts from performances the net proceeds of which go to charitable, religious or educational purposes.

"All such sales taxes so levied and collected shall constitute a special fund or funds and shall never be diverted to any other purposes than the payment of Old Age Pension

and/or Assistance, and no greater tax shall be levied than will be sufficient to pay Fifteen (\$15.00) Dollars per month to all persons entitled to such Old Age Pensions and/or Assistance and necessary costs of administration. All funds derived from such tax in excess of necessary costs of administration shall be distributed prorata to the aged of this State who meet the foregoing requirements without regard to the previous standard of living of the applicant and without regard to income or other restrictions than those herein specifically provided. The Legislature shall forthwith enact laws necessary to carry into effect the provisions of this enactment, and shall set up the machinery to administer said law and shall make such appropriations out of the special fund or funds herein created as are necessary for the administration of the same. There shall never be levied in this State a sales tax or gross receipts tax on the sales herein provided to be taxed other than the one herein provided for, except on spiritous, vinous and malt liquors.

"The term 'retail sale' shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration within this State when such transfer is made by one in the ordinary course of his business and the sale is made for consumption or use, or for any purpose other than for resale, or for use in processing, manufacturing or industrial enterprises. The term 'retail sale' shall not include the isolated or occasional sale of tangible personal property by a person not engaging in the retail business, nor goods or products sold by the actual producer, nor if the thing sold is purchased for resale by the buyer in the ordinary course of his business, nor if it is to be used or consumed by a manufacturing, industrial or processing business in creating other goods, wares, merchandise or services for sale to the public. Conditional sales are included within this definition when in other respects such sales meet the test of a retail sale. No political subdivision of this State shall have authority to levy any occupation tax by virtue of this amendment.

"The retail sales tax hereby levied shall be paid by the buyers at such

retail sales but shall be collected by the sellers at such retail sales under the terms and in the manner as may hereafter be provided for by the Legislature."

Senator Small offered the following substitute for the amendment:

Amend S. J. R. No. 5 by striking out below the resolving clause and inserting in lieu thereof the following:

Section 1. That Section 51-b of Article III of the Constitution of the State of Texas be so amended as to hereafter read as follows:

Sec. 51-b. (1) The Legislature shall have power by general laws to provide, under such limitations, restrictions and regulations as may be deemed expedient by the Legislature, for financial assistance not to exceed Fifteen (\$15.00) Dollars per month to needy individuals over the age of sixty-five (65) years, to needy individuals who are blind, to needy individuals who are unfit for employment due to disease, and to needy dependent children, and to provide reasonable facilities for promoting and protecting the health of needy mothers and children, including adequate medical, surgical and corrective services and care for crippled children. No such financial assistance shall be granted to an habitual criminal, habitual drunkard or to an inmate of any State supported institution, and such assistance shall be confined to actual bona fide citizens of Texas who have resided in this State for as many as five years during the nine years immediately pre-

ceding the grant of assistance and continuously for one year immediately preceding such grant, provided the Legislature may impose such requirements as to residence and citizenship of dependent mothers and children as may by it seem proper.

(2) To provide revenue with which to discharge the functions authorized herein the Legislature may accept financial aid from the United States Government and shall levy and cause to be collected a tax on retail sales not to exceed two (2%) per cent of the gross amounts thereof. The term "retail sale" shall mean the sale or transfer of any goods, wares, merchandise, or

tangible personal property for a valuable consideration when such transfer is made by one in the ordinary course of his business to the ultimate consumer for consumption or use, or for any purpose other than for resale, or use in processing, or manufacturing, or for use by the United States Government, the State of Texas, or any political subdivision thereof. The term "retail sale" shall not include isolated or occasional sales of tangible property made by a person not engaged in the retail business nor to the sale of agricultural, dairy or livestock products when sold by the actual producer, nor to sales comprising a business upon which occupation privilege or gross receipt taxes are now authorized by law. All revenue derived from such sales tax authorized herein shall be collected and placed in a special fund or funds and used solely for the purpose of discharging the functions herein authorized, and the power to levy additional taxes on retail sales or to provide additional revenue for such functions is expressly withdrawn.

Sec. 2. That Section 9 of Article VIII of the Constitution of Texas be amended so as hereafter read as follows:

Sec. 9. The State tax on property shall be restricted to the tax necessary to pay the public debt, to provide aid for Confederate soldiers and sailors and their widows, taxes provided for the benefit of public free schools, as well as taxes heretofore diverted, relinquished or remitted to counties which taxes shall be levied, assessed and collected annually during the period of remission or diversion at a rate not to exceed thirty-five cents on the One Hundred Dollars valuation sufficient to meet the purposes for which the diversions or remissions were made by law; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the One Hundred Dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, not to ex-

ceed twenty-five cents on the One Hundred Dollars valuation in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws.

Sec. 3. The foregoing Constitutional Amendment shall be submitted to the qualified electors of the State of Texas on the fourth Saturday in August, 1937, at which election there shall be printed on such ballot the following words:

"For the Amendment to Section 51-b of Article III of the Constitution giving the Legislature power to provide assistance to persons over the age of sixty-five years, to individuals who are blind, and to needy, dependent children and provide for the protection of the health of dependent mothers and children, including crippled children; authorize a Sales Tax to provide revenue therefor, and amending Section 9 of Article VIII of the Constitution so as to eliminate the State ad valorem tax on tangible property."

"Against the Amendment to Section 51-b of Article III of the Constitution giving the Legislature power to provide assistance to persons over the age of sixty-five years, to individuals who are blind, and to needy, dependent children and provide for the protection of the health of dependent mothers and children, including crippled children; authorize a Sales Tax to provide revenue therefor, and amending Section 9 of Article VIII of the Constitution so as to eliminate the State ad valorem tax on tangible property."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the State Constitution.

Sec. 4. The Governor shall issue the necessary proclamation for such election and shall have the same published and such election held as provided by the Constitution and the laws of this State.

Sec. 5. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

SMALL,
COLLIE,
DAVIS,
NEAL.

Question—Shall the substitute be adopted?

Senate Concurrent Resolution No. 56.

Senator Hill, by unanimous consent, at this time, offered the following resolution:

Whereas, The Senate of the General Assembly of the State of Ohio by resolution extended to the people of the London and New London communities the sympathy of the people of the great sister State of Ohio on account of the great catastrophe that befell those communities in the destruction of the London Independent School District building and the ultimate loss of many lives; and

Whereas, The people of Texas are deeply appreciative of this expression of sympathy by the citizenship of the State of Ohio through this action of the Senate of the General Assembly of that State; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That we express to the Senate of the General Assembly of Ohio our sincere appreciation for their sympathy; and, be it further

Resolved, That the Secretary of the Senate send a copy of this resolution to the Senate of the Ohio General Assembly as a message of gratitude for their action.

On motion of Senator Hill and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

Senate Bill No. 343 With House Amendments.

Senator Weinert called up S. B. No. 343 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill before the Senate, and the House amendments were read.

Senator Weinert moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—22.

Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Holbrook.	Stone.
Moore.	Van Zandt.
Neal.	Weinert.
Newton.	Winfield.

Nays—5.

Aikin.	Sulak.
Hill.	Westerfeld.
Isbell.	

Present—Not Voting.

Spears.

Absent.

Lemens.

Nelson.

Absent—Excused.

Woodruff.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 12, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has laid on the table, by a vote of 85 yeas and 47 nays, the following bill:

H. B. No. 354, A bill to be entitled
"An Act repealing Article 7319 of
the Revised Civil Statutes of 1925;

repealing Acts of 1927, Fortieth Legislature, page 25, Chapter 20, Section 1, as amended by Acts of 1927, Fortieth Legislature, First Called Session, page 195, Chapter 69, Section 1, Acts of 1927, Fortieth Legislature, First Called Session, page 195, Chapter 70, Section 1, and Acts of 1933, Forty-third Legislature, First Called Session, page 271, Chapter 98; amending Article 7320, Revised Civil Statutes of 1925, Chapter 10, providing a lien for taxes which have become delinquent since December 31, 1919, and forever barring taxes returned delinquent prior to that date; providing for certificates showing status of tax payments on property; amending Article 7323, Revised Civil Statutes of 1925, Chapter 10; amending Article 7324, Revised Civil Statutes, 1925, as amended by Acts of 1931, Forty-second Legislature, page 196, Chapter 117, Section 1, providing for the preparation and mailing of delinquent tax notices showing the amount of delinquent taxes, penalty, interest and costs due; adding a new Article numbered 7324-A, requiring a person employed by the commissioners' court or the assessor and collector of taxes to file a statement of all property on which delinquent taxes are due, providing that commissioners' court shall direct sheriff to sell such property, and providing for extension of time before sale in certain cases; adding a new Article numbered 7324-B, prescribing the form of such statements, authorizing lien holders to file notice of lien; adding a new Article numbered 7324-C, providing for the issuance by the sheriff of any county of final notice and citation to delinquent tax payers adding a new Article numbered 7324-D, providing for the sale of property on which taxes are delinquent, the execution of a tax deed and making same prima facie evidence of the power to sell; requiring tax rolls be prepared and approved by certain time; authorizing tax payers to borrow money to pay taxes, the transfer of tax liens therefor, and making such liens eligible for investment; amending Article 7329, Revised Civil Statutes, 1925, Chapter 10; adding a new Article numbered 7329-A, providing for the institution of suit by the owner of any property sold for taxes

under the provisions of this Act; amending Article 7283 as amended by Acts of 1933, Forty-third Legislature, First Called Session, page 91, Chapter 31, Section 1; providing for the employment of a competent person to collect delinquent taxes due the county, State, and subdivisions; fixing his bond and compensation, providing for the cancellation of his contract, providing for proceedings for escheats, providing for the payment of money collected under the terms of this Act, providing for the adjustment of property valuation in certain cases; providing that the provisions of this Act shall be available to cities, towns, and other taxing subdivisions; providing for the installation of a 'plat and ownership record'; providing for the removal of tax collectors from office upon wilful failure to carry out the provisions of this Act; containing a saving clause, making this Act cumulative and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

House Bills on First Reading.

The following bills, received from the House today, were laid before the Senate, read first time, and referred by the Presiding Officer (Senator Collie) to the committees indicated:

H. B. No. 1076, to Committee on Finance.

H. B. No. 49, to Committee on Educational Affairs.

Adjournment.

Senator Brownlee moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Hill moved that the Senate recess to 7:30 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—20.

Beck.
Brownlee.
Collie.

Cotten.
Holbrook.
Davis.

Moore.	Shivers.
Neal.	Small.
Newton.	Spears.
Pace.	Stone.
Rawlings.	Van Zandt.
Redditt.	Weinert.
Roberts.	Westerfeld.

Nays—8.

Aikin.	Isbell.
Burns.	Lemens.
Head.	Oneal.
Hill.	Sulak.

Absent.

Nelson.	Woodruff.
Winfield.	

The Senate, accordingly, at 4:50 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX.

Bills Filed in Department of State.

Austin, Texas, April 9, 1937.
Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Thursday, April 8, 1937:

S. B. No. 46:
Vote in Senate, yeas 27, nays 0.
Vote in House, yeas 123, nays 0.
Date signed by the Governor, April 8, 1937.

S. B. No. 99:
Vote in Senate, yeas 22, nays 6.
Vote in House, yeas 129, nays 2.
Date signed by the Governor, unsigned.

S. B. No. 381:
Vote in Senate, yeas 21, nays 5.
Vote in House, yeas 120, nays 2.
Date signed by the Governor, April 8, 1937.

S. B. No. 433:
Vote in Senate, yeas 26, nays 0.
Vote in House, yeas 116, nays 1.
Date signed by the Governor, April 8, 1937.

S. B. No. 441:
Vote in Senate, yeas 27, nays 0.
Vote in House, yeas 121, nays 0.
Date signed by the Governor, April 8, 1937.

S. B. No. 448:
Vote in Senate, yeas 31, nays 0.
Vote in House, yeas 119, nays 0.
Date signed by the Governor, April 8, 1937.

H. B. No. 230:
Vote in Senate, yeas 26, nays 0.
Vote in House, yeas 118, nays 1.
Date signed by the Governor, April 7, 1937.

H. B. No. 250:
Vote in Senate, yeas 26, nays 0.
Vote in House, yeas 110, nays 0.
Date signed by the Governor, April 7, 1937.

H. B. No. 324:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor, April 7, 1937.

H. B. No. 629:
Vote in Senate, yeas 26, nays 0.
Vote in House, yeas 125, nays 0.
Date signed by the Governor, April 7, 1937.

H. B. No. 706:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 116, nays 0.
Date signed by the Governor, April 7, 1937.

H. C. R. No. 87:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor, April 8, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD CLARK,
Secretary of State.

By: M. E. SANDLIN,
Assistant Secretary of State.

Austin, Texas, April 10, 1937.
Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Friday, April 9, 1937:

S. B. No. 332:
Vote in Senate, viva voce.
Vote in House, yeas 114, nays 0.
Date signed by the Governor, April 9, 1937.

H. B. No. 258:
Vote in Senate, yeas 29, nays 0.
Vote in House, yeas 138, nays 1.
Date signed by the Governor,
April 9, 1937.

H. B. No. 273:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 116, nays 0.
Date signed by the Governor,
unsigned.

H. B. No. 317:
Vote in Senate, yeas 29, nays 0.
Vote in House, yeas 119, nays 0.
Date signed by the Governor,
April 9, 1937.

H. B. No. 321:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 111, nays 1.
Date signed by the Governor,
April 9, 1937.

H. B. No. 473:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 116, nays 3.
Date signed by the Governor,
April 9, 1937.

H. B. No. 512:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 107, nays 0.
Date signed by the Governor,
April 9, 1937.

H. B. No. 597:
Vote in Senate, yeas 28, nays 2.
Vote in House, yeas 116, nays 1.
Date signed by the Governor,
April 9, 1937.

H. B. No. 598:
Vote in Senate, yeas 29, nays 0.
Vote in House, yeas 111, nays 5.
Date signed by the Governor,
April 9, 1937.

H. B. No. 674:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 107, nays 0.
Date signed by the Governor,
April 9, 1937.

H. B. No. 718:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 121, nays 0.
Date signed by the Governor,
April 9, 1937.

H. B. No. 721:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 114, nays 1.
Date signed by the Governor,
April 9, 1937.

H. B. No. 796:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 122, nays 1.
Date signed by the Governor,
April 9, 1937.

H. B. No. 809:
Vote in Senate, yeas 30, nays 0.
Vote in House, viva voce.
Date signed by the Governor,
April 9, 1937.

H. B. No. 915:
Vote in Senate, yeas 29, nays 0.
Vote in House, yeas 116, nays 1.
Date signed by the Governor,
April 9, 1937.

H. B. No. 969:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 126, nays 0.
Date signed by the Governor,
April 9, 1937.

H. B. No. 974:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 118, nays 0.
Date signed by the Governor,
April 9, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

M. E. SANDLIN,
Assistant Secretary of State.

Reports of Standing Committees.

Committee Room.

Austin, Texas, April 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 16, Proposing an amendment to Article III, Section 52, of the Constitution of the State of Texas by adding thereto a new Section to be known as Section 52d; providing that the Legislature may authorize by law, after a majority vote of the resident qualified electors owning taxable property therein, the adoption of a plan for the construction of paved roads and bridges or both in any county or road district of the State; providing for the levy of a tax to pay for such construction; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation, publication, and election.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendments thereto, and be not printed because of advance printing.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 361, A bill to be entitled "An Act prohibiting Assistant Attorneys General from accepting employment in civil suits to which the State of Texas is a party for a period of two years after discontinuing their service with the State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for same do pass in lieu thereof and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1029, A bill to be entitled "An Act amending Article 3902 of Vernon's Annotated Civil Statutes, as amended by Acts 1935, Forty-fourth Legislature, Second Called Session, page 1762, Chapter 465, by adding thereto another Section to be designated as Section 7, providing that in counties of a population bracket of not less than thirty-nine thousand, four hundred and ninety-six (39,496) and not more than forty thousand (40,000), first assistant county attorneys shall receive a salary of from Sixteen Hundred and Twenty Dollars (\$1620) to Nineteen Hundred and Twenty Dollars (\$1920) per annum, to be determined by the commissioners court; providing how and when the salary shall be paid, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,
Austin, Texas, April 11, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 91, A bill to be entitled "An Act amending Article 7005, of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Regular Session of the Forty-third Legislature, page 636, Chapter 213, including the counties of Brooks, Culberson, Dimmit, Hidalgo, Grimes, Hudspeth, Kenedy, Kleberg, Montgomery, Webb, Wilbarger, Willacy, Zapata, and Zavala, in the list of counties exempted from the provisions of Title 121, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, April 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 310, A bill to be entitled "An Act amending Chapter 355, H. B. No. 417, passed at the Regular Session of the Forty-fourth Legislature, fixing the salaries of the Judges of the Supreme Court, Judges of the Court of Criminal Appeals, Judges of the Supreme Court Commission of Appeals, Judges of the Commission in aid of the Court of Criminal Appeals and the State's Attorney before the Court of Criminal Appeals, Judges of the Courts of Civil Appeals, and Judges of the District Courts, including Criminal District Courts of the State; fixing the salaries of district attorneys of the State; providing for the support and maintenance of the judiciary of the State of Texas for the two years beginning September 1, 1937, and ending August 31, 1939; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing cer-

tain rules and restrictions respecting the expenditures of appropriations made herein; repealing all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass, and be printed.

REDDITT, Chairman.

Committee Room.

Austin, Texas, April 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 138, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1937, and ending August 31, 1939, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or re-election of any candidate or candidates for the head of such department, and any public office, and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf of the election or re-election of any person as the head of such department; and prescribing certain other regulations and restrictions in respect to the appropriations made herein, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass, and be printed.

REDDITT, Chairman.

Committee Room.

Austin, Texas, April 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 140, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the eleemosynary institutions of the State of Texas for the two-year period beginning September 1, 1937, and ending August 31, 1939, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass, and be printed.

REDDITT, Chairman.

Committee Room.

Austin, Texas, April 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 876, A bill to be entitled "An Act amending Section 4 of H. B. No. 408 of the Regular Session of the Forty-fourth Legislature, fixing the compensation of county commissioners in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room.

Austin, Texas, April 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1004, A bill to be entitled "An Act providing that the commissioners court of any county wherein the United States Government has or shall hereafter purchase or has designated a purchase unit of at least twenty-five (25) per cent in area of the land in said county for reforestation and other purposes may, with the consent of the Board of County and District Road Indebtedness and the holders of at least eighty (80) per cent of the bonds hereinafter described, refund, under the provisions of existing law, the road bonds of any such county or of any road dis-

trict or political subdivision thereof, which bonds participate in the County and Road District Highway Fund, into one or more series of refunding bonds and may provide that the eligibility of the bonds being refunded shall be distributed among the various series of refunding bonds in such amounts, or none, as may be agreed upon; provided that the eligibility, in dollars and cents, of bonds whose owners do not agree to such distribution shall not be affected thereby, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Bills Nos. 41, 301 and 365 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 16 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

FIFTY-SEVENTH DAY.

(Tuesday, April 13, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin.	Isbell.
Beck.	Lemens.
Brownlee.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Newton.
Davis.	Oneal.
Head.	Pace.
Hill.	Rawlings.
Holbrook.	Redditt.

Roberts.	Van Zandt.
Shivers.	Weinert.
Small.	Westerfeld.
Spears.	Winfield.
Stone.	Woodruff.
Sulak.	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Lemens.

Reports of Standing Committees.

Reports on Senate Bills Nos. 204, 274, 142, 141, 159, 203, 465, 84 and 335, and on House Bills Nos. 847, 1009, 615, 627, 896, and 1028, were submitted by the chairmen of the several committees to which they were referred.

Senate Bill No. 468 on First Reading.

Senator Sulak moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent.

Beck.	Spears.
Head.	Van Zandt.
Shivers.	Westerfeld.

The following bill was then introduced, read first time, and referred by the President to the Committee on Civil Jurisprudence:

By Senator Sulak:

S. B. No. 468, A bill to be entitled "An Act declaring to be an unlawful